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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,472	02/19/2002	Maitreyee Mahajani	40025-005	6706

33971 7590 06/18/2003

MATRIX SEMICONDUCTOR, INC.  
3230 SCOTT BOULEVARD  
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[REDACTED] EXAMINER

LE, THAO X

ART UNIT	PAPER NUMBER
	2814

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AVAILABLE COPY

<b>Advisory Action</b>	Application No.	Applicant(s)
	10/079,472	MAHAJANI ET AL.
	Examiner	Art Unit
	Thao X Le	2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1,3,5-9,12-15,20-34.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.
8.  The proposed drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.
  9.  Note the attached Information Disclosure Statement(s) ( PTO-1449) Paper No(s). \_\_\_\_\_.
  10.  Other: \_\_\_\_\_.

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Continuation of 2. NOTE: 1) The newly added claims raise new issues that would require further consideration and/or search. 2) With respect to gate conductor, Applicant argument is not persuasive because Luoh clearly discloses a gate conductor 17 of a transistor, fig.2. In addition, the oxide layer 13 by ISSG of Luoh would meet the claim language requirement, because there is no 'in contact with' required. Although the claim are interpreted in light of the specification, limitation from the specification are not read into the claim, see *In re Van Geuns*, 988 F.22d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). 3) With respect to non-contiguous layers (SONOS) and the definition of the word 'ON', it can also mean a position in close proximity with, according to Merriam Webster's Collegiate Dictionary, Tenth Edition. 4) With respect to TFT, in the recitation 'the transistor is a TFT' that has not been given patentable weight because it have been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

*Caowen Ko*  
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PRIMARY EXAMINER

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